## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:15-CV-449-RLV-DCK

KELLY L. SETZER,	)
Plaintiff,	)
v.	) ORDER
NANCY A. BERRYHILL,	)
<b>Acting Commissioner of Social Security,</b>	)
Defendant.	)
	)

THIS MATTER IS BEFORE THE COURT on the "Consent Motion For Fees Pursuant To The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A)" (Document No. 20) filed May 9, 2017. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B). Having carefully considered the motion, the record, applicable authority, and noting Defendant's consent, the Court will award Plaintiff an attorney's fee under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in the amount of \$5,000.00.

IT IS, THEREFORE, ORDERED that the "Consent Motion For Fees Pursuant To The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A)" (Document No. 20) is GRANTED. The Court will award attorney fees in the amount of \$5,000.00, and pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), the fee award shall be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner of Social Security will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the Government will exercise its discretion and honor an assignment of EAJA fees, and pay the

awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

## SO ORDERED.

Signed: May 9, 2017

David C. Keesler

United States Magistrate Judge